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May 24, 1993

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Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Dear Ms. Searcy:

On behalf of my client, the National Hockey League, I hereby submit an original and nine (9) copies of a communication from the National Hockey League in PP Docket No. 93-21.

Should additional information be necessary in connection with this matter, please communicate with the undersigned.

Very truly yours,


Philip R. Hochberg
Counsel for
NATIONAL HOCKEY LEAGUE

PRH:bpt
Enclosures
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Before the
Federal Communications Commission
Washington, D.C. 20554

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MAY 24 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
Implementation of Section 26)
of the Cable Television Consumer)
Protection and Competition Act)
of 1992)
Inquiry Into Sports Programming)
Migration)

PP Docket No. 93-21

SUPPLEMENTAL COMMENTS OF
THE NATIONAL HOCKEY LEAGUE

The National Hockey League ("NHL" or "League") submits the following supplemental comments to address certain matters first raised in the reply comments of another party to this proceeding, the Association of Independent Television Stations ("INTV").¹

INTV makes two allegations: first, that WPHL, an over-the-air station in Philadelphia, has lost "a significant number" of Philadelphia Flyers games (INTV Reply Comments at 37), and second, that WUHF in Rochester, New York, lost the 18 games of the Buffalo Sabres that it televised in 1989-90, as well as the

¹We do not believe that the purpose of reply comments is to make new allegations against other parties. Neither of INTV's allegations regarding the telecasting of NHL games was newly-discovered and both should have been set forth completely and clearly in INTV's original submission. In that respect, INTV's decision to delay its attack until its reply comments were filed was clearly unfair and should not be countenanced by the Commission.

games of the Rochester Red Wings, a "local minor league club."
(Id. at 38.)²

(a) **Philadelphia Flyers**

INTV offers an incomplete and misleading version of the facts. WPHL has televised certain away games of the Flyers for the past two seasons. In 1991-92, WPHL broadcast 30 games; 48 others (including 37 home games) were originated on one of two cable channels. In 1992-93, the total number of Flyers games originated increased from 78 to 82. Of that number, 26 away games were televised over-the-air by WPHL, while a total of 56 games (41 of which were home games) were shown on cable.³ Thus, the reduction in games shown over-the-air was a total of only four games, and is attributable to a number of factors tending cumulatively to favor the placement of game telecasts on cable, including the difficulty in making airtime available from suitable broadcast outlets for a full game production (including pre- and post-game programming), the carriage of other sports teams, the transmission quality and signal power of broadcasters, particularly in the UHF band, the superior production capacity and investment in production values provided by the cable service, and the variable popularity of the team.

²The Rochester Red Wings are not a hockey team, but a minor league baseball club. If WUHF in fact "lost the rights" to the Red Wings, that of course cannot be laid at the feet of the NHL or the Buffalo Sabres.

³The staff has requested a year-by-year breakdown of Flyers' telecasts. A chart providing that information is attached as Exhibit A.

With respect to the televising in Rochester of Buffalo Sabres games, INTV again tells only half the story. According to Sabres officials, the over-the-air station in question (WUHF) was sold to new ownership and subsequently became affiliated with the Fox Network. WUHF management then determined that the level of viewership for the Sabres did not warrant a continuing commitment to broadcast those games. For its own legitimate business reasons, the Rochester station simply decided to discontinue carriage of the Sabres games. The Sabres

THE NATIONAL HOCKEY LEAGUE

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Its Attorney

4It is likely that either as a home game of one team or an away game of the opposing team or as an ESPN origination, these games would have been on cable. Instead, they were available nationwide over network television on ABC.

EXHIBIT A

PHILADELPHIA FLYERS
Local Television Coverage
1980-81 through 1992-93 Seasons

[Note: All statistics are based on the published schedules of the Philadelphia Flyers, and may not reflect games added to or deleted from the telecast broadcast schedule over the course of the season.]

1980-81

Total Games	Over-The-Air	Cable
65	40 (4 Home, 36 Away) (WTAF-TV, Ch. 29)	25 Home (Prism)

1981-82

Total Games	Over-The-Air	Cable
74	40 (4 Home, 36 Away) (WTAF-TV, Ch. 29)	34 Home (Prism)

1982-83

Total Games	Over-The-Air	Cable
71	41 (4 Home, 37 Away) (WTAF-TV, Ch. 29)	30 Home (Prism)

1983-84

Total Games	Over-The-Air	Cable
69	39 (4 Home, 35 Away)	30 Home

PHILADELPHIA FLYERS**Local Television Coverage**

1980-81 through 1992-93 Seasons

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1984-85

Total Games	Over-The-Air	Cable
71	41 (4 Home, 37 Away) - 31 (2 Home, 29 Away), WTAJ-TV, Ch. 29 - 10 (2 Home, 8 Away), WPVI, Ch. 6	30 Home (Prism)

1985-86

Total Games	Over-The-Air	Cable
72	42 Away (WGBS, Ch. 57)	30 Home (Prism)

1986-87

Total Games	Over-The-Air	Cable
74	44 Away (WGBS, Ch. 57)	30 Home (Prism)

1987-88

Total Games	Over-The-Air	Cable
73	43 Away (WGBS, Ch. 57)	30 Home (Prism)

1988-89

Total Games	Over-The-Air	Cable
69	39 Away (WGBS, Ch. 57)	30 Home (Prism)

1989-90

Total Games	Over-The-Air	Cable
70	40 Away (WGBS, Ch. 57)	30 Home (Prism)

1990-91

Total Games	Over-The-Air	Cable
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PHILADELPHIA FLYERS**Local Television Coverage**

1980-81 through 1992-93 Seasons

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1991-92

Total Games	Over-The-Air	Cable
78	30 Away (WPHL, Ch. 17)	48 (37 Home, 11 Away) - 42 (37 Home, 5 Away), Prism - 6 (Away), SportsChannel Phil.

1992-93

Total Games	Over-The-Air	Cable
82	26 Away (WPHL, Ch. 17)	56 (41 Home, 15 Away) - 50 (41 Home, 9 Away), Prism - 6 (Away), SportsChannel Phil.

EXHIBIT B

ABC Network Broadcasts of 1993
Stanley Cup Playoff Games

April 18

New York Islanders vs. Pittsburgh Penguins
St. Louis Blues vs. Chicago Blackhawks
Los Angeles Kings vs. Calgary Flames

April 25

New York Islanders vs. Pittsburgh Penguins
St. Louis Blues vs. Chicago Blackhawks
Los Angeles Kings vs. Calgary Flames

May 2

New York Islanders vs. Pittsburgh Penguins
Los Angeles Kings vs. Vancouver Canucks

May 9

St. Louis Blues vs. Toronto Maple Leafs

May 16

New York Islanders vs. Montreal Canadiens